HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

CORAM : HON'BLE SHRI S.R.NAYAK, CJ.
HON'BLE SHRI V.K.SHRIVASTAVA, J.

Writ Petition No.890 of 2006

Petitioner

Deepak Kurre, R/o Village - Mungi, P.O. Chandkhuri P.S. - Mandir Hasoud Distt.-Raipur (CG).

Versus

Respondents

1. State of Chhattisgarh through Secretary Deptt. of Home D.K.S. Bhawan, Raipur (CG)
2. Superintendent of Police Raipur (CG)
3. Collector, Raipur (CG)
4. Shri Satyanarayan Sharma M.L.A., Mandir Hasaud, Distt. Raipur (CG)

Present :- Shri Vinay Harit, Deputy Advocate General for the State.

ORAL ORDER
(Dated 27th November, 2006)

The following oral order of the Court was passed by **S.R.Nayak, CJ. :**

In this taken-up writ petition, in response to the notice, respondents No.1,2 and 3 have filed their return dated 16.11.2006 supported by an affidavit sworn to by the Officer In-charge of the case. In paras 5 and 6 of the return, it is stated thus :-

> "5. A pertinent aspect worth pointing out herein is that the petitioner not only has filed the instant petition but has dispatched identical letters to various other authorities like His Excellency the Governor and other high ranking dignitaries. It is submitted and would be pertinent also to mention

herein is that the complaint filed by the petitioner which is at pages 6 and 7 of the instant petition were directed to the Superintendent of Police, Raipur for looking into the complaint lodged by the petitioner. Upon receiving the same an enquiry was initiated by the Police, Police Station, Mandir Hasod into the truth and veracity of the contentions raised. It is submitted that upon the enquiry it was revealed and told by the Sarpanch of the village where the petitioner resides that the petitioner is mentally derailed since last 2-3 years and had become a vagabond and having left his house, after fisting with family members and was roaming about consuming alcohol. The allegations leveled by the petitioner were also found to be baseless, figment of imagination and false. A copy of the enquiry report along with typed copy is being marked and enclosed herewith as **Annexure R-1/1** for perusal of the Hon'ble Court.

6. It is submitted that thereafter upon a second enquiry being ordered into to test the truth and veracity of the contentions and allegations raised by the petitioner the findings of the earlier enquiry were corroborated by the fact that a qualified Psychiatrist namely one Dr.Prakash Narayan Shukla, after conducting tests on the petitioner found him to have become mentally unsound and behaving in a lunatic manner due to excessive consumption of alcohol. During enquiry it was also revealed that the name of the petitioner was also entered in the OPD Register of the clinic of the aforesaid Dr. P.K. Shukla. A Copy of the statement given by Psychiatrist Dr. P.N. Shukla would also reveal that the petitioner herein was brought to him for treatment upon which the Psychiatrist found that the petitioner was habitual of consuming excessive liquor and was behaving in a lunatic manner upon which certain medicines

were given to him. In order to substantiate the above averment, a copy of the second enquiry report, copy of the relevant extract of the OPD Register of the Psychiatrist and the statement of the Psychiatrist are being cumulatively marked and enclosed herewith as **Annexure R-1/2** for perusal of the Hon'ble Court."

We have no good reason to doubt the integrity of sworn statements made in paras 5 and 6 of the return. In that view of the matter, we do not think that it is a fit case where we should monitor further. The writ petition is accordingly disposed of. No costs.

Sd/-
V.K.Shrivastava
Judge

Sd/-
Chief Justice

Gowri